

Bendau & Bendau | Simon & Simon

Exhibit F

## DenOne-Callaway -- Improper calls to servers

From: Messeloff, Daniel (daniel.messeloff@tuckerellis.com)  
To: jameslsimonlaw@yahoo.com; cliffordbendau@bendaulaw.com  
Date: Wednesday, February 6, 2019, 2:54 PM EST

Counsel,

It is our understanding that you are currently calling DenOne's servers, and the company has received several complaints from servers that your calls have been harassing.

To the extent the individuals you are calling are opt-in plaintiffs, regardless of whether or not it is to schedule their depositions, it is our understanding that you have been calling them during their working hours, which disrupts the operations of the restaurant in which the individuals work. Such conduct is improper. Please immediately cease and desist calling any servers when they are on duty.

To the extent the individuals you are calling are not opt-in plaintiffs, such calls are improper, harassing, and potentially in violation of the applicable ethical rules. Once again, please immediately cease and desist calling any servers when they are on duty. This will also serve as a reminder that you are not to contact any servers in violation of any applicable ethical rules.

If we discover that you are continuing to call servers either while they are on duty or otherwise under improper circumstances, we will seek relief from the Court.

Thank you,

Dan

**Daniel Messeloff | Attorney | Tucker Ellis LLP**

950 Main Avenue, Suite 1100 | Cleveland, OH 44113-7213

Direct: 216-696-5898 | Fax: 216-592-5009 |

[Daniel.Messeloff@tuckerellis.com](mailto:Daniel.Messeloff@tuckerellis.com)

[tuckerellis.com](http://tuckerellis.com)

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Re: DenOne-Callaway -- Improper calls to servers

From: James Simon (jamessimonlaw@yahoo.com)  
To: cliffordbendau@bendaulaw.com; daniel.messeloff@tuckerellis.com  
Date: Wednesday, February 6, 2019, 3:05 PM EST

Dan,

This is ridiculous. Your clients continue to accuse us of unethically soliciting servers despite the fact that all of the actual evidence points to the contrary.

Your clients also requested to depose all 23 individuals who have joined this lawsuit to date. We have no way of knowing what their schedules are or when they are working in advance. Not to mention, we had about 3 days to try to schedule 17 individuals for depositions, the bulk of which that you have now cancelled.

There is nothing for us to cease or desist.

I thought we might have been getting on the right track in this case, but apparently not. If you ever want to talk about the actual merits of this case, I am all ears. In the meantime, the baseless threats ought to stop.

**James L. Simon, Esq.**

Law Offices of Simon & Simon  
6000 Freedom Square Drive  
Freedom Square II - Suite 165  
Independence, Ohio 44131  
Phone: (216) 525-8890  
Fax: (216) 642-5814

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On Wednesday, February 6, 2019, 2:54:06 PM EST, Messeloff, Daniel <daniel.messeloff@tuckerellis.com> wrote:

Counsel,

It is our understanding that you are currently calling DenOne's servers, and the company has received several complaints from servers that your calls have been harassing.